

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JUANITA VAUGHN,

Plaintiff,

vs.

**DAWN FOODS
INTERNATIONAL, INC.,
TRANSACTING BUSINESS AS
DAWN, INC., DAWN FOOD
PRODUCTS, INC.,**

Defendants.

2:18-CV-11491-TGB

**ORDER GRANTING
PLAINTIFF'S MOTION TO
AMEND COMPLAINT**

This is an employment discrimination case in which Plaintiff Juanita Vaughn alleges that her employer, Defendant Dawn Food Products, discriminated against her on the basis of her race, disability, and sex. Plaintiff filed her Complaint on May 11, 2018, which included the racial and sex discrimination claims. ECF No. 1. On March 20, 2019, pursuant to a stipulation between the parties, Plaintiff filed her First Amended Complaint, which added the disability discrimination claim. ECF No. 15. She now seeks to file a Second Amended Complaint to add a

new allegation that, on March 12, 2019, Defendant took an adverse employment action against her in retaliation for her complaint about discrimination.

Plaintiff filed her Motion for Leave to File Second Amended Complaint on April 11, 2019 after receiving her right-to-sue letter for the retaliation claim from the Equal Employment Opportunity Commission (EEOC) on March 29, 2019. ECF No. 17. Defendant failed to timely respond. The Court issued an order for Defendant to show cause why the motion should not be granted. ECF No. 19. The Order required a response from Defendant no later than May 7, 2019. Defendant's Response objects to amending the Complaint on the ground that allowing the amendment would deprive the parties of adequate time to conduct discovery on the new allegation. ECF No. 20 PageID.135. The time for discovery, however, can be extended for good cause. Good cause includes the addition of an allegation where Plaintiff has not unduly delayed seeking adjudication of the new allegation.

Pursuant to Fed. R. Civ. P. 15(a)(2), the court should "freely give leave" to amend a complaint "when justice so requires." Justice requires that Plaintiff be given leave to amend her Complaint to add a retaliation

claim that is intertwined with her underlying claim of discrimination. Plaintiff has not delayed seeking to add this claim. And Defendant has not shown that addition of the claim would result in any prejudice.

For the foregoing reasons, Plaintiff's Motion to Amend Amended Complaint (ECF No. 17) is **GRANTED**. The parties are **ORDERED** to confer on an appropriate amended discovery schedule and report the outcome of that conference to the Court no later than seven days from the date of this Order.

SO ORDERED.

DATED Thursday, May 9, 2019.

BY THE COURT:

/s/Terrence G. Berg
TERRENCE G. BERG
United States District Judge